



PATENT APPLICATION
Atty. Docket: 2537 (203-2755)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Finch et al. Examiner: Aaron Roane
Serial No. : 09/739,428 Group Art Unit: 3739
Filed : December 18, 2000 Dated: April 11, 2006
For : **APPARATUS FOR THERMAL TREATMENT OF AN
INTERVERTEBRAL DISC**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO HAVE MATERIAL SUBMITTED IN AN INFORMATION DISCLOSURE
STATEMENT CONSIDERED UNDER 37 C.F.R. §1.181

Sir:

On January 22, 2001, Applicants submitted an Information Disclosure Statement, form PTO-1449 with copies of references and a certificate of mailing. Applicants thereafter received their return postcard, having the U.S. Patent and Trademark Office stamp dated January 25, 2001, which notified them that the U.S. Patent and Trademark Office had received all of the information listed on the postcard.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this Amendment and any document referred to as enclosed herein is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 11, 2006

Maria Lapitan
Maria Lapitan

It has recently come to Applicants' attention that this material cannot be located on the PAIR system or by Examiner Aaron Roane. Further, the application has been deemed allowable by the Examiner. Therefore, under MPEP §704.14 (c), Applicants' would like to give the Examiner an opportunity to review the submitted Information Disclosure Statement and related documents for patentability purposes.

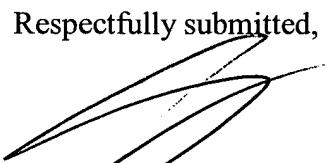
As such, Applicants' have re-submitted these materials (originally submitted on January 22, 2001), including the Information Disclosure Statement, PTO-1449 with copies of references, the certificate of mailing and a copy of the returned postcard. Additionally, Applicants' believe that they should not be required to pay a petition fee to have these items considered because the U.S. Patent and Trademark is at fault for losing the original documents. If, however, any fees are due relating to this petition and/or submission of documents, please charge Deposit Account 21-0550 accordingly.

Early and favorable consideration of the items on the attached Information Disclosure Statement is respectfully requested.

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Respectfully submitted,



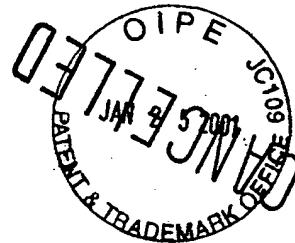
Edward C. Meagher
Reg. No. 41,189
Attorney for Applicants



THE U.S. PATENT AND TRADEMARK OFFICE DATE STAMP WILL
ACKNOWLEDGE RECEIPT OF:

1. INFORMATION DISCLOSURE STATEMENT IN TRIPPLICATE
2. PTO-1449 WITH COPIES OF REFERENCES
3. CERTIFICATE OF MAILING

Applicant: Finch et al.
Serial No.: 09/739,428
Docket: 2537 (203-2755)
Dated: January 22, 2001
JWS:db





PATENT

Atty. Docket No. 2537 (203-2755)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---------------|---|-----------|---------------------|
| APPLICANT(S): | Finch et al. | EXAMINER: | Unassigned |
| SERIAL NO.: | 09/739,428 | GROUP: | Art Unit Unassigned |
| FILED: | December 18, 2000 | DATED: | January 22, 2001 |
| FOR: | APPARATUS FOR THERMAL TREATMENT OF AN INTERVERTEBRAL DISC | | |

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

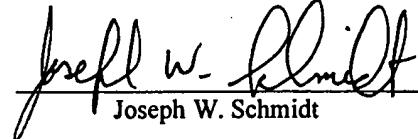
Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner. Copies of the listed items are enclosed.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on January 22, 2001.

Dated: January 22, 2001



Joseph W. Schmidt

The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- This information disclosure statement is being filed within three (3) months of the filing date of this application.
- This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- Enclosed herewith is a certificate under 37 C.F.R. §1.97(e).
- Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(ii).
- Enclosed by check is the petition fee of \$130.00. 37 C.F.R. §1.17(i)(1))
- Please charge the \$130.00 petition fee to Deposit Account No. 04-1121.

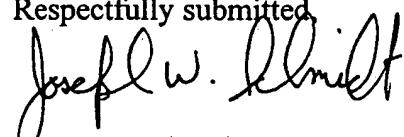
Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).

Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 04-1121.

Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or §1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 04-1121. Also, in the event any extensions of time for responding and/or a petition under 37 C.F.R. §1.17(i)(i) are required for the pending application(s), please treat this paper as a petition to extend the time and/or enter this Information Disclosure Statement as required and charge Deposit Account No. 04-1121 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,



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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEINFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.
2537 (203-2755)SERIAL NO.
09/739,428

APPLICANTS

Finch et al.

FILING DATE

December 18, 2000

GROUP ART UNIT

Unknown

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|------------------|-----------------|----------|-------------------|-------|----------|----------------------------|
| | 4,411,266 | 10/25/83 | Cosman | | | |
| | 4,565,200 | 1/21/86 | Cosman | | | |
| | 4,907,589 | 3/13/90 | Cosman | | | |
| | 4,966,597 | 10/30/90 | Cosman | | | |
| | 5,122,137 | 6/16/92 | Lennox | | | |
| | 5,315,996 | 5/31/94 | Lundquist | | | |
| | 5,334,145 | 8/2/94 | Lundquist et al. | | | |
| | 5,433,739 | 7/18/95 | Sluijter et al. | | | |
| | 5,437,288 | 8/1/95 | Schwartz et al. | | | |
| | 5,477,856 | 12/26/95 | Lundquist | | | |
| | 5,497,785 | 3/12/96 | Viera | | | |
| | 5,545,193 | 8/13/96 | Fleischman et al. | | | |

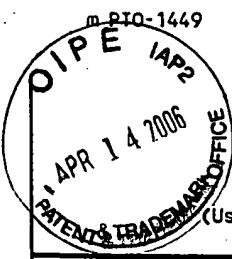
FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|--|-----------------|---------|---------|-------|----------|-------------|----|
| | | | | | | YES | NO |
| | EP 0 521 595 B1 | 2/17/92 | EPO | | | | |
| | WO 93/04722 | 3/18/93 | PCT | | | | |
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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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| EXAMINER | | DATE CONSIDERED | | | |
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

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U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|------------------|-----------------|----------|-------------------|-------|----------|----------------------------|
| | 5,571,147 | 11/5/96 | Sluijter et al. | | | |
| | 5,573,520 | 11/12/96 | Schwartz et al. | | | |
| | 5,728,149 | 3/17/98 | Laske et al. | | | |
| | 5,833,632 | 11/10/98 | Jacobsen et al. | | | |
| | 5,871,523 | 2/16/99 | Fleischman et al. | | | |
| | 5,951,546 | 9/14/99 | Lorentzen | | | |
| | 5,980,504 | 11/9/99 | Sharkey et al. | | | |
| | 5,983,141 | 11/9/99 | Sluijter et al. | | | |
| | 6,001,093 | 12/14/99 | Swanson et al. | | | |
| | 6,004,279 | 12/21/99 | Crowley et al. | | | |
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| | 6,073,051 | 6/6/00 | Sharkey et al. | | | |
| | 6,095,149 | 8/1/00 | Sharkey et al. | | | |
| | 6,099,514 | 8/8/00 | Sharkey et al. | | | |
| | 6,146,380 | 11/14/00 | Racz et al. | | | |
| | 6,161,048 | 12/12/00 | Sluijter et al. | | | |

FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER

DATE CONSIDERED

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